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IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK STATE COURT
GWINNETT COUNTY, GA
2018 AUG 31 PM 3:30
RICHARD ALEXANDER, CLERK

COPY

JAMES DEFRANCESCO,

Plaintiff,

vs.

SENTRY SELECT INSURANCE
COMPANY,

Defendant.

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Civil Action No. 18C05727-2

ANSWER OF SENTRY SELECT INSURANCE COMPANY

COMES NOW Sentry Select Insurance Company, Defendant in the above styled civil action and answers and responds to the Plaintiff's Complaint, and for Answer, shows the Court as follows:

FIRST DEFENSE

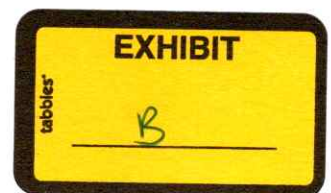
Plaintiff's Complaint fails to state a cause of action against this Defendant upon which relief can be granted.

SECOND DEFENSE

No act or omission of this Defendant either proximately caused or contributed to whatever damage the Plaintiff may have sustained, and on account thereof, Plaintiff is not entitled to recover any sum of this Defendant.

THIRD DEFENSE

The occurrence complained of was caused, produced and brought about directly and proximately by the negligence of Plaintiff, and on account thereof, Plaintiff is not entitled to recover any sum of this Defendant.



FOURTH DEFENSE

Plaintiff, by the exercise of ordinary care, could have avoided being injured and damaged, and on account thereof, Plaintiff is not entitled to recover any sum of this Defendant.

FIFTH DEFENSE

The negligence of Plaintiff equaled or preponderated over any act or omission of the Defendant in producing and bringing about the occurrence complained of, and on account thereof, Plaintiff is not entitled to recover any sum of this Defendant.

SIXTH DEFENSE

This Honorable Court lacks jurisdiction over this Defendant and, as a result of thereof, Plaintiff's Complaint must be dismissed.

SEVENTH DEFENSE

Venue is improper in this Court and, as a result there, Plaintiff's Complaint must be dismissed.

EIGHTH DEFENSE

Plaintiff is barred from bringing the instant action by the doctrine of assumption of risk.

NINTH DEFENSE

Further answering the numbered paragraphs of Plaintiff's Complaint, Defendant answers as follows:

1.

Defendant admits the allegations contained in Paragraph 1 of Plaintiff's Complaint.

2.

Defendant admits the allegations contained in Paragraph 2 of Plaintiff's Complaint.

3.

Defendant admits the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4.

Defendant admits the allegations contained in Paragraph 4 of Plaintiff's Complaint.

5.

Defendant denies the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6.

Defendant Sentry Select Insurance Company has insufficient information to admit or deny the allegations contained within paragraph 6 of the Plaintiff's Complaint and therefore said allegations stand denied.

7.

Defendant Sentry Select Insurance Company has insufficient information to admit or deny the allegations contained within paragraph 7 of the Plaintiff's Complaint and therefore said allegations stand denied.

8.

Defendant Sentry Select Insurance Company has insufficient information to admit or deny the allegations contained within paragraph 8 of the Plaintiff's Complaint and therefore said allegations stand denied. Additionally, Defendant Sentry Select Insurance Company denies that the Plaintiff was injured by the Greenwood Farms rig.

9.

Defendant admits the allegation contained in Paragraph 9 of Plaintiff's Complaint.

10.

Defendant Sentry Select Insurance Company has insufficient information to admit or deny the allegations contained within paragraph 10 of the Plaintiff's Complaint and therefore said allegations stand denied.

11.

Defendant Sentry Select Insurance Company has insufficient information to admit or deny the allegations contained within paragraph 11 of the Plaintiff's Complaint and therefore said allegations stand denied.

12.

Defendant denies the allegation contained in Paragraph 12 of Plaintiff's Complaint.

13.

Defendant denies the allegation contained in Paragraph 13 of Plaintiff's Complaint.

14.

Defendant admits the allegation contained in Paragraph 14 of Plaintiff's Complaint.

TENTH DEFENSE

Any allegation contained in the Plaintiff's Complaint, which has not herein expressly been admitted, is denied.

WHEREFORE, Defendant having fully answered the Plaintiff's Complaint prays that it hence be discharged of the Plaintiff's Complaint on all the aforesaid defenses, and that judgment be entered in favor of this Defendant and against the Plaintiff, with all costs cast upon the Plaintiff.

FAIN, MAJOR & BRENNAN, P.C.

A large, stylized handwritten signature in black ink, likely belonging to James W. Hardee, is written over a horizontal line.

JAMES W. HARDEE

Georgia Bar No. 324399

Counsel for Defendant

100 Glenridge Point Parkway
Suite 500
Atlanta, GA 30342-1445
404-688-6633

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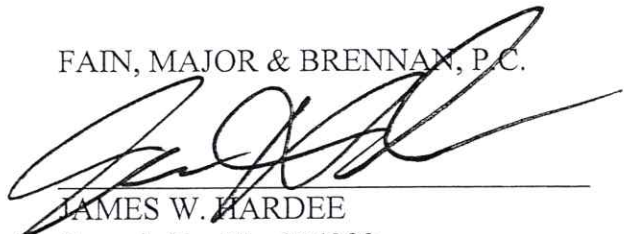
CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a copy of the **Answer of Defendant Sentry Select Insurance Company** by placing same in the United States Mail, postage prepaid, addressed as follows:

David Tuszynski
Garland, Samuel & Loeb, P.C.
3151 Maple Drive, N.E.
Atlanta Georgia 30305

This 30th day of August, 2018.

FAIN, MAJOR & BRENNAN, P.C.



JAMES W. HARDEE
Georgia Bar No. 324399
Counsel for Defendant

100 Glenridge Point Parkway
Suite 500
Atlanta, GA 30342-1445
404-688-6633

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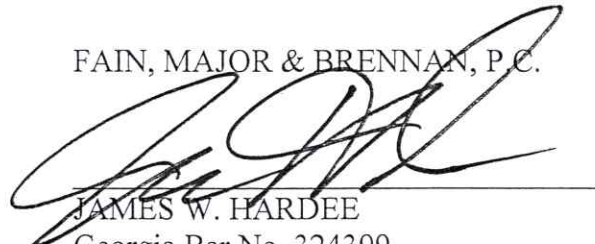
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DEMAND FOR JURY TRIAL

COMES NOW Defendant and hereby demands a trial by jury of twelve on all issues so triable.

FAIN, MAJOR & BRENNAN, P.C.


JAMES W. HARDEE
Georgia Bar No. 324399
Counsel for Defendant

100 Glenridge Point Parkway
Suite 500
Atlanta, GA 30342-1445
(404) 688-6633



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CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a copy of **Demand for Jury Trial** by placing same in the United States Mail, postage prepaid, addressed as follows:

David Tuszynski
Garland, Samuel & Loeb, P.C.
3151 Maple Drive, N.E.
Atlanta Georgia 30305

This 30th day of August, 2018.

FAIN, MAJOR & BRENNAN, P.C.



JAMES W. HARDEE
Georgia Bar No. 324399
Counsel for Defendant

100 Glenridge Point Parkway
Suite 500
Atlanta, GA 30342-1445
404-688-6633

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Plaintiff,

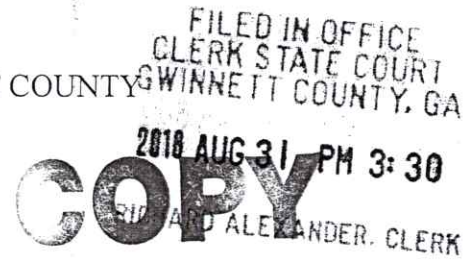
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RULE 5.2 CERTIFICATE OF SERVICE

Pursuant to Uniform State Court Rule 5.2, I certify that I have this day served upon Plaintiffs' counsel of record in the foregoing matter with a true and correct copy of Defendant's First Interrogatories to Plaintiff, Plaintiff's First Request for Production of Documents to Plaintiff, and Defendant's First Requests for Admission to Plaintiff by placing same in the United States Mail, postage prepaid, addressed as follows:

David Tuszynski
Garland, Samuel & Loeb, P.C.
3151 Maple Drive, N.E.
Atlanta Georgia 30305

This 30th day of August, 2018.

FAIN, MAJOR & BRENNAN, P.C.


JAMES W. HARDEE
Georgia Bar No. 324399
Counsel for Defendant

100 Glenridge Point Parkway
Suite 500
Atlanta, GA 30342-1445
404-688-6633

